

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendant GreatBanc Trust Company (“GreatBanc”) hereby moves to dismiss the claims asserted against it in the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, GreatBanc states:

1. The Complaint alleges two counts under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”) 29 U.S.C. § 1001 *et seq.*: a claim for breach of fiduciary duty under ERISA § 502(a)(2) and (3), 29 U.S.C. § 1132(a)(2) and (3) and a claim for violation of ERISA’s prohibited transaction rules pursuant to ERISA § 409, 29 U.S.C. § 1109.

2. The Complaint fails to allege sufficient facts to state any claim upon which relief can be granted in accordance with *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Fifth Third Bancorp v. Dudenhoeffer*, 134 S. Ct. 2459 (2014).

In support of this Motion, Defendant submits its accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss.

WHEREFORE, for the foregoing reasons, Defendant GreatBanc Trust Company respectfully requests that this Court dismiss Plaintiffs' Complaint in its entirety for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully Submitted,

/s/ Julie A. Govreau
Attorneys for Defendant
GREATBANC TRUST COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that, on June 5, 2015, I caused a true and correct copy of the foregoing Motion to Dismiss to be filed electronically using the Court's CM/ECF system and to thereby be served upon on all registered participants identified in the Notice of Electronic Filing in this matter on this date.

Dated: June 5, 2015

/s/ Julie A. Govreau
Julie A. Govreau

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